



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
ENVIRONMENTAL CLEANUP

NOV 26 2014

VIA ELECTRONIC TRANSMISSION

The DIL Trust
c/o Kirk A. Wilkinson, Esq.
Latham & Watkins LLP
355 South Grand Avenue
Los Angeles, California 900071-1560

Re: Second Request for Information; Portland Harbor Superfund Site, Portland, Oregon.

Dear Mr. Wilkinson:

The United States Environmental Protection Agency, Region 10 continues to investigate the releases or threat of releases of hazardous substances associated with the Portland Harbor Superfund Site. The EPA seeks your cooperation in this investigation.

The EPA, with the cooperation of numerous companies and government entities, is undertaking an investigation of the nature and extent of contamination at the Site and assessing the risks to human health and the environment associated with the contamination. The investigation and analysis currently being conducted is called a Remedial Investigation and Feasibility Study. The RI/FS is anticipated to be completed in 2015. Afterward, the EPA will select a cleanup plan for the Site through a Record of Decision, which is likely to be issued in 2017.

By letter dated, November 1, 2013, you wrote EPA to inform us that DIL Trust plans to complete its liquidation and would cease to exist. You indicated that DIL Trust sought to resolve its liability at the Portland Harbor Superfund Site prior to dissolving. Your November 1, 2013 letter provided information about the Trust's finances, in particular, that it only had limited cash resources and insurance policies obtained by DIL Trust and other predecessor companies that may provide coverage for some of the environmental damage resulting from the predecessors' operations at the Portland Harbor Superfund Site. You also informed us that the DIL Trust or certain predecessor companies have been identified as potentially liable at another cleanup site in Hawaii meaning that the Trust's assets would need to be shared to some degree amongst both cleanup sites. Since your November 2013 letter, legal counsel for EPA and the Department of Justice have been negotiating proposed terms of a settlement with you. Prior to finalizing the settlement, we are sending this Second Request for Information to assure that we have received all updated or relevant financial information.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9604(e), you are hereby requested to respond to the Information Request attached to this letter. While the EPA seeks your voluntary cooperation with this investigation, compliance with the Information Request is required by law. Failure to respond fully and

truthfully to the Information Request by the due date provided below may result in an enforcement action by the EPA. Under Section 104(e)(5)(B) of CERCLA, 42 U.S.C. § 9604(e)(5)(B), pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. § 2461, as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, EPA is authorized to commence an action to assess civil penalties of not more than \$37,500 per day for each day of noncompliance against any person who unreasonably fails to comply with an Information Request.

Please note that responses which are incomplete, ambiguous or evasive may be treated as non-compliant with this Information Request. Also be further advised that provision of false, fictitious or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. You have an ongoing duty under this first Information Request to supplement your response with any additional information or documents that become available or known to you after you submit your response. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501.

Please carefully read the Instructions and the Definitions that are attached to the Information Request. In addition to important information about how to respond to this Request, there are also directions about how the response must be submitted to the EPA.

Your response to this Second Information Request is due no later than January 7, 2014. Please mail your response to:

Kristine Koch
Remedial Project Manager
United States Environmental Protection Agency, Region 10
Office of Environmental Cleanup, Mail Code ECL-115
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

If you have any general questions about the Site, you may call Ms. Koch at (206) 553-6705, or contact her by email at koch.kristine@epa.gov. If you have legal questions or questions about this letter, you may contact or, if you are represented by legal counsel, have your attorney contact Lori Houck Cora, Assistant Regional Counsel, at (206) 553-1115 or cora.ori@epa.gov.

Thank you for your cooperation in this matter.

Sincerely,



Cami Grandinetti
Program Manager,
Remedial Cleanup Program